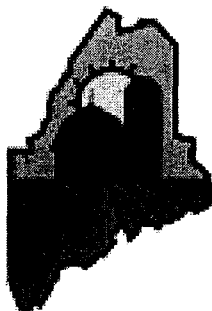


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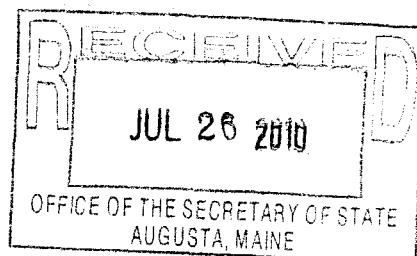


DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

28 State House Station
Augusta, Maine 04333-0028
(207) 287-3871

2010-2011 REGULATORY AGENDA

Prepared July 21, 2010



AGENCY UMBRELLA-UNIT NUMBER: 01-001

AGENCY NAME: Department of Agriculture, Food & Rural Resources

CONTACT PERSON: Edwin R. Porter, Deputy Commissioner, 28 State House Station, Augusta, Maine
04333-0028 Telephone: (207) 287-3419; ned.r.porter@maine.gov

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2010 – 2011 RULEMAKING ACTIVITY:

CHAPTER 5: Official Designation of Maine Bag Logo

STATUTORY AUTHORITY: 7 MRSA §1035

PURPOSE: Make needed changes in rules to reflect current practices.

ANTICIPATED SCHEDULE: Prior to October, 2011

AFFECTED PARTIES: Potato farmers, packers, and shippers.

CHAPTER 9: Rule Requiring Use of Best Management Practices for growing Crops to Minimize Cross Contamination

STATUTORY AUTHORITY: 7 MRSA Chapter 1 §12 and Chapter 103 §1051-§1054

PURPOSE: May need to amend the rule that was adopted in 2010 to address any problems that may be encountered or add any new best management practices that may be developed.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Farmers, Seed Dealers and Seed Manufacturers

CHAPTER 10: Rules for the Agricultural Compliance Program

STATUTORY AUTHORITY: 17 MRSA §2701-B

PURPOSE: Rules establish procedures for responding to, investigating, reporting on and resolving complaints involving improper manure handling.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Farmers, farm operation owners, adjacent landowners, municipal officials, government agencies.

CHAPTER 20: – Apple Market Order

STATUTORY AUTHORITY: 7 MRSA §12 and MRSA §424, §§ 1

PURPOSE: To establish Apple Market Order

SCHEDULE FOR ADOPTION: Rules to be repealed Summer 2011

AFFECTED PARTIES: Apple producers

CHAPTER 26: Fresh-Pack Blueberry Market Order

STATUTORY AUTHORITY: 7 MRSA §§ 421-430.

PURPOSE: Make needed changes in rules to reflect current practices.

ANTICIPATED SCHEDULE: Prior to October, 2011

AFFECTED PARTIES: Fresh-Pack blueberry “handlers” (packers, and shippers).

CHAPTER 30: Quarantine (Potato)

STATUTORY AUTHORITY: 7 MRSA §§ 2301-2303

PURPOSE: May amend the quarantine against various potato pests to take into consideration recent survey results on the distribution of such pests in the U.S.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Potato farmers, dealers, buyers, and shippers of imported seed.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 31: RULES FOR OPERATION OF POTATO MARKETING IMPROVEMENT FUND

STATUTORY AUTHORITY: 10 M.R.S.A. §1023-N

PURPOSE: To expand the definition of eligible products.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Maine potato growers, borrowers

CHAPTER 32: Rules for Operation of the Agricultural Marketing Loan Fund

STATUTORY AUTHORITY: 7 MRSA §12, §435

PURPOSE: Make changes to rules for the operation of the Agricultural Marketing Loan Fund to address changes in legislation this past session.

SCHEDULE FOR ADOPTION: Prior to July, 2011

AFFECTED PARTIES: Borrowers.

CHAPTER 33: Rules for Operation of the Agricultural Development Grant Program

STATUTORY AUTHORITY: 7 MRSA §10 §306A - 309

PURPOSE: Make changes to rules for the operation of the Agricultural Development Grant Program to make the program more accessible and transparent.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: All persons eligible to apply for a grant through the program including, but not limited to Farmers, Farm Organizations, and Agencies/Associations that support farmers.

CHAPTER 36: Rules Governing the Maine Farms for the Future Program

STATUTORY AUTHORITY: 7 MRSA §10B

PURPOSE: Make changes to the rules governing the Farms for the Future Program to improve program design and administration and incorporate relevant recommendations of the 2006 OPEGA Report on the Program.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Maine farmers eligible for the program; Ag Service Providers; and potential future Program Coordinators.

CHAPTER 91: Rules for the Administration of the Right to Farm Law

STATUTORY AUTHORITY: 17 MRSA §2805

PURPOSE: To establish procedures for responding to, investigating, reporting on, and resolving complaints involving a farm or a farm operation.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Farmers, farm operation owners, adjacent landowners, municipal officials, government agencies.

CHAPTER 122: Fee Schedule for Inspection of Agricultural Commodities

STATUTORY AUTHORITY: 7 MRSA §12, 441, 446, 951B, 1033A

PURPOSE: Change inspection fee levels to reflect current costs of providing services.

ANTICIPATED SCHEDULE: Prior to September, 2011

AFFECTED PARTIES: Growers, processors, and packers of inspected products.

CHAPTER 125: Official Grades, Standards and Inspection Requirements for Potatoes packed in Maine

STATUTORY AUTHORITY: 7 MRSA §951 and 1033-A(3)

PURPOSE: Modifies rules governing potato packaging.

ANTICIPATED SCHEDULE: Prior to October, 2011

AFFECTED PARTIES: Potato farmers, packers, and shippers.

CHAPTER 126: Official Use of Blue, White & Red State Trademark

STATUTORY AUTHORITY: 7 MRSA § 441 and 443

PURPOSE: Modify standards as necessary.

ANTICIPATED SCHEDULE: Prior to October, 2011

AFFECTED PARTIES: Licensed packers.

CHAPTER 127: Maple Syrup Requirements--Blue, White and Red State Trademark

STATUTORY AUTHORITY: 7 MRSA §441 and 443

PURPOSE: Modify standards as needed.

ANTICIPATED SCHEDULE: Prior to November, 2011

AFFECTED PARTIES: Licensed packers.

CHAPTER 135: Official Use of the State of Maine Quality Trademark

STATUTORY AUTHORITY: 7 MRSA §441, §443

PURPOSE: Modify rules on use and fees for users of the Maine Quality Trademark.

ANTICIPATED SCHEDULE: Prior to October, 2011

AFFECTED PARTIES: Processors and packers of products using the Maine Quality Trademark.

CHAPTER 136: Rules Governing the Use of the Quality Trademark for Maine Dairy Products

STATUTORY AUTHORITY: 7 MRSA §2901-B, § 443-B.

PURPOSE: Establishes and/or amends standards for the use of the Quality Trademark on milk and milk products.

ANTICIPATED SCHEDULE: Prior to October, 2011

AFFECTED PARTIES: Milk dealers.

CHAPTER 201: Rules Governing Licensed Livestock Dealers

STATUTORY AUTHORITY: 7 MRSA §1303, §1307

PURPOSE: Rules governing livestock dealers

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Livestock owners and livestock dealers

CHAPTER 203: Rules for the Participation in the Maine Chronic Wasting Disease Surveillance Program

STATUTORY AUTHORITY: 7 MRSA §1821

PURPOSE: Rules governing the Maine Chronic Wasting Disease Surveillance Program

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Deer and Elk Industry

CHAPTER 204: Rule for the Licensing Requirements for Farmed Cervids

STATUTORY AUTHORITY: 7 MRSA §1821

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Deer and Elk Industry

CHAPTER 205: Rules Governing The Poultry Disease Control Fund

STATUTORY AUTHORITY: 7 MRSA §1756 -§1757

PURPOSE: Rules governing the poultry disease control fund

ANTICIPATED SCHEDULE: Prior to July 1, 2011

AFFECTED PARTIES: Poultry farmers

CHAPTER 206: Prevention and Control of Certain Diseases of Domestic Animals and Poultry

STATUTORY AUTHORITY: 7 MRSA §1752, §1812

PURPOSE: Rules governing the control of certain diseases of animals and poultry

ANTICIPATED SCHEDULE: Prior to July 1, 2011

AFFECTED PARTIES: Livestock and poultry industry

CHAPTER 207: Control of Equine Infectious Anemia

STATUTORY AUTHORITY: 7 MRSA §1820-A

PURPOSE: Rules governing the management of equine infectious anemia

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Equine owners

CHAPTER 208: Handling of Domestic Animal and Poultry Vaccines

STATUTORY AUTHORITY: 7 MRSA §1752

PURPOSE: Rules governing animal and poultry vaccine use

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Livestock and poultry industry

CHAPTER 209: Livestock Commission or Community Auctions

STATUTORY AUTHORITY: 7 MRSA §1453

PURPOSE: Rules governing auctions

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Livestock auctions

CHAPTER 210: Poultry for Immediate Slaughter

STATUTORY AUTHORITY: 7 MRSA §1331

PURPOSE: Rules governing poultry slaughtering

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Poultry industry

CHAPTER 212: Rules Governing Procurement, Storage, Distribution and Use of Brucellosis Vaccine

STATUTORY AUTHORITY: 7 MRSA §1812

PURPOSE: Rules governing the use of Brucellosis vaccine

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Livestock industry

CHAPTER 213: Rules Governing the Disposal of Animal Carcasses

STATUTORY AUTHORITY: 7 MRSA §1752, §1817, §1818; 17 MRSA §2805.

PURPOSE: Revise rules that would describe how to safely dispose of animals that die on farms.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Farmers, abutters, government agencies.

CHAPTER 220: Importation of Certain Deer into Maine

STATUTORY AUTHORITY: 7 MRSA §1331

PURPOSE: Rules governing the importation of deer into Maine

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Deer farmers and commercial large game shooting area operations

CHAPTER 221: Cervids Importation Embargo

STATUTORY AUTHORITY: 7 MRSA §1331

PURPOSE: Rules governing the importation embargo of cervids into Maine

ANTICIPATED SCHEDULE: Repeal by July, 2011

AFFECTED PARTIES: Deer farmers and commercial large game shooting area operations

CHAPTER 252: Rules Governing Certification of Seed Potatoes in the State of Maine

STATUTORY AUTHORITY: 7 MRSA §§ 2101-2105

PURPOSE: May amend the current rules to clarify certain provisions involved in the seed potato certification program.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Seed potato producers in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 253: Official Seed Potato Grade for Maine Certified Seed Potatoes

STATUTORY AUTHORITY: 7 MRSA §§ 2101-2105

PURPOSE: May amend the current standards to meet the official description of the Maine Seed Potato Grade.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Seed potato producers in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 255: Imported Seed Potatoes

STATUTORY AUTHORITY: 7 MRSA §§ 2101-2105

PURPOSE: May establish or amend standards required for the importation of seed potatoes for planting within Maine.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Potato farmers, dealers, buyers, and shippers of imported seed.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 257: Rules Governing the Establishment and Operation of Seed Potato Production Areas

STATUTORY AUTHORITY: 7 MRSA §2103-B

PURPOSE: May amend the current provisions relating to production practices and enforcement in a seed potato production area.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Seed potato producers in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 259: Minimum Standards for Planting Potatoes

STATUTORY AUTHORITY: 7 MRSA §951-A

PURPOSE: Modify standards as necessary

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Potato farmers who plant at least 1 acre.

CHAPTER 261: Field Seed Certification

STATUTORY AUTHORITY: 7 MRSA §§2101-2104

PURPOSE: May amend the standards governing production, certification, testing, storing and preparation for sale of field seed to update and bring the rule into conformance with the Federal Seed Act.

ANTICIPATED SCHEDULE: Prior to July 2011

AFFECTED PARTIES: Seed grain producers in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 266: Hemlock Woolly Adelgid Quarantine

STATUTORY AUTHORITY: 7 MRSA §§ 2301-2303

PURPOSE: May amend the quarantine against the Hemlock Woolly Adelgid to specify the areas under quarantine and requirements to import logs and nursery stock from infested areas.

ANTICIPATED SCHEDULE: Prior to July, 2011.

AFFECTED PARTIES: Saw mills, nurseries, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 267: License Fees to Sell Nursery Stock

STATUTORY AUTHORITY: 7 MRSA §2171

PURPOSE: May revise the fee for a license to sell or deal in nursery stock.

ANTICIPATED SCHEDULE: Prior to July, 2011.

AFFECTED PARTIES: Nursery owners.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 268: Pine Shoot Beetle Quarantine

STATUTORY AUTHORITY: 7 MRSA §§ 2301-2303

PURPOSE: May amend the quarantine against the Pine Shoot Beetle to include additional areas under quarantine.

ANTICIPATED SCHEDULE: Prior to July, 2011.

AFFECTED PARTIES: Saw mills, nurseries, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 270: Maine Apiary Rules and Regulations

STATUTORY AUTHORITY: 7 MRSA §§ 2701-2872

PURPOSE: May amend the current apiary rules to clarify certain provisions relating to Africanized Honey bees and other honey bee diseases and parasites in Maine.

ANTICIPATED SCHEDULE: Prior to July, 2011.

AFFECTED PARTIES: Beekeepers, blueberry and apple producers, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 271: Gypsy Moth Quarantine

STATUTORY AUTHORITY: 7 MRSA §§ 2301-2303

PURPOSE: May amend a quarantine against the Gypsy Moth to conform to the requirements of the federal Gypsy Moth quarantine.

ANTICIPATED SCHEDULE: Prior to July, 2011.

AFFECTED PARTIES: Saw mills, nurseries, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 272: European Larch Canker Quarantine

STATUTORY AUTHORITY: 7 MRSA §§ 2301-2303

PURPOSE: May amend a quarantine against the European Larch Canker to conform to the requirements of the federal European Larch Canker quarantine.

ANTICIPATED SCHEDULE: Prior to July, 2011.

AFFECTED PARTIES: Saw mills, nurseries, and the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

CHAPTER 302: Method of Sale of Commodities

STATUTORY AUTHORITY: 10 MRSA §2628

PURPOSE: Update the Method of Sale regulations to conform to current practices

ANTICIPATED SCHEDULE: Prior to October, 2011

AFFECTED PARTIES: Buyers and sellers of food and non-food commodities.

CHAPTER 303: Packaging and Labeling

STATUTORY AUTHORITY: 10 MRSA § 2629

PURPOSE: Update the Packaging and Labeling regulations to conform to current practices.

ANTICIPATED SCHEDULE: Prior to October, 2011

AFFECTED PARTIES: Buyers and sellers of food and non-food commodities.

CHAPTER 304: Weights and Measures

STATUTORY AUTHORITY: 10 MRSA § 2353

PURPOSE: Update the requirements pertaining to specifications and tolerances of weighing and measuring devices.

ANTICIPATED SCHEDULE: Prior to October, 2011

AFFECTED PARTIES: Owners of weighing and measuring devices and consumers purchasing commodities through the use of weighing and measuring devices.

CHAPTER 307: Testing fees for weighing and measuring devices

STATUTORY AUTHORITY: 10 MRSA § 2701

PURPOSE: Update the fees for testing weighing and measuring devices

ANTICIPATED SCHEDULE: Prior to March, 2011

AFFECTED PARTIES: Owners of weighing and measuring devices.

CHAPTER 315: Agricultural Liming Materials Regulations

STATUTORY AUTHORITY:

PURPOSE: Update the Agricultural Liming Materials Regulations to allow for the collection of tonnage fees.

ANTICIPATED SCHEDULE: Prior to March 2011

AFFECTED PARTIES: Manufacturers and sellers of liming materials.

CHAPTER 329: Rules regarding milk and milk products

STATUTORY AUTHORITY: 7 MRSA §2900-2910A. PL 1999

PURPOSE: Our milk rules need minor technical revisions to come into compliance with changes to the 2005 and 2007 Pasteurized Milk Ordinance

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Dairy farmers and milk processors

CHAPTER 330: License Fees to Manufacture and Sell Food & Beverages

STATUTORY AUTHORITY:

PURPOSE: To adopt the rules necessary pertaining to license fees for retail sellers and manufacturers of food and beverages.

ANTICIPATED SCHEDULE: Prior to November, 2011

AFFECTED PARTIES: Food Establishments, Commercial Bakeries, Manufacturers and processors of food, including shellfish, Operators of food storage facilities, Home food manufacturers and processors, Maple syrup producers, Manufacturers of ice and Food salvage operators.

CHAPTER 331: 2001 Maine Food Code

STATUTORY AUTHORITY: 10 MRSA §§2625 – 2629, 22 MRSA §§2153, 2154, and 2167 – 2169

PURPOSE: Update the Maine Food Code to reflect changes made to the 2005 FDA Model Food Code

ANTICIPATED SCHEDULE: Prior to October, 2011

AFFECTED PARTIES: Food Establishments and Eating Establishments

CHAPTER 341: Bakeries (Commercial, Retail and Distributors)

STATUTORY AUTHORITY: 10 MRSA §2625, 22 MRSA §2153, 2157.9B, 2166 and 2169

PURPOSE: Revise regulations to reflect current processing and sanitation requirements.

ANTICIPATED SCHEDULE: Prior to November, 2011

AFFECTED PARTIES: Commercial Bakeries.

CHAPTER 342: Cider and Apple Juice Plants

STATUTORY AUTHORITY: 10 MRSA §2625, 22 MRSA §§2153, 2154, 2167, 2168 and 2169

PURPOSE: Revise regulations to reflect food safety concerns.

ANTICIPATED SCHEDULE: Prior to November, 2011

AFFECTED PARTIES: Cider and juice producers.

CHAPTER 343: Food Processing Manufacturing

STATUTORY AUTHORITY: 22 MRSA §2167, 2168 and 2169.

PURPOSE: Revise regulations to reflect current manufacturing and processing technology and practices.

ANTICIPATED SCHEDULE: Prior to November, 2011

AFFECTED PARTIES: Manufacturing and processors of food, including shellfish.

CHAPTER 344: Food Storage Warehouses

STATUTORY AUTHORITY: 22 MRSA §2167-2169

PURPOSE: Clarify changes reflect current food safety practices.

ANTICIPATED SCHEDULE: Prior to November, 2011

AFFECTED PARTIES: Operators of food storage facilities.

CHAPTER 345: Home Food Manufacturing

STATUTORY AUTHORITY: 10 MRSA §2625, 22 MRSA §§2153, 2157.9B, 2168, 2169 and 2176

PURPOSE: Revise standards to reflect current food safety concerns.

ANTICIPATED SCHEDULE: Prior to November, 2011

AFFECTED PARTIES: Home food manufacturers and processors.

CHAPTER 346: RULES GOVERNING MEAT AND POULTRY INSPECTION AND LICENSING

STATUTORY AUTHORITY: 22 MRSA §2513

PURPOSE: The changes to Chapter 346: Rules Governing Meat and Poultry Inspection and Licensing are being proposed to update and add to existing rules. The Maine Legislature directed the Department of Agriculture, Food and Rural Resources to promulgate rules for the implementation of 22 MRSA Chapter 562-A. This rulemaking amends the rule to incorporate the most recent (2009) version of the federal rules, specifically 9 CFR 309.3(e), relating to meat and poultry inspection.

ANTICIPATED SCHEDULE: 2011

AFFECTED PARTIES: State of Maine inspected slaughterhouses (8 total).

CHAPTER 347: Maple Syrup Processing

STATUTORY AUTHORITY: 10 MRSA §2625, 22 MRSA §2153, 2154, 2167, 2168 and 2164

PURPOSE: Maintain sanitary procedures in the maple syrup production process.

ANTICIPATED SCHEDULE: Prior to November, 2011

AFFECTED PARTIES: Maple syrup producers.

CHAPTER 348: Poultry Slaughter and Processing with Grower/Producer Exemption.

STATUTORY AUTHORITY: 22 MRSA §2517-C

PURPOSE: Establishes requirements for inspection of sanitary processes and physical facilities for small poultry producers.

ANTICIPATED SCHEDULE: Prior to November, 2011

AFFECTED PARTIES: Small Poultry Producers with an annual production of 1,000 birds or less.

CHAPTER 350: Regulations for the Registration and Sale of Fertilizer.

STATUTORY AUTHORITY: 7 MRSA § 747 and 748

PURPOSE: Establish Uniform Standards for Labeling, Registration and Regulating Fertilizer.

ANTICIPATED SCHEDULE: Prior to October, 2011

AFFECTED PARTIES: Manufacturer's of fertilizer.

CHAPTER 351: Packaged Ice Manufacturing and Processing

STATUTORY AUTHORITY: 10 MRSA §2625, 22 MRSA §§2153, 2167, 2168, and 2169

PURPOSE: Clarify current ice manufacturing regulations.

ANTICIPATED SCHEDULE: Prior to November, 2011

AFFECTED PARTIES: Manufacturers of ice.

CHAPTER 353: Licensing of Domestic Deer for Food

STATUTORY AUTHORITY: 7 MRSA §1331

PURPOSE: Clarify existing rule.

ANTICIPATED SCHEDULE: Repeal Prior to July, 2011

AFFECTED PARTIES: Domesticated deer producers.

CHAPTER 357: Food Salvage

STATUTORY AUTHORITY: 22 MRSA §2153 and 2169

PURPOSE: Revise regulations to reflect current food safety concerns.

ANTICIPATED SCHEDULE: Prior to November, 2011

AFFECTED PARTIES: Food salvage operators.

CHAPTER 358: Manufacturing of Potentially Hazardous Foods

STATUTORY AUTHORITY: 22 MRSA §2151 and 2153

PURPOSE: Revise regulations to reflect current food safety concerns.

ANTICIPATED SCHEDULE: Prior to November, 2011

AFFECTED PARTIES: Manufacturers and processors at potentially hazardous foods.

CHAPTER 359: Rules Governing the Processing/Handling/Storing/Labeling of
Smoked, Cured, and Salted Fish

STATUTORY AUTHORITY: 22 MRSA §1851 and 2153

PURPOSE: Revise regulations to reflect current food safety concerns.

ANTICIPATED SCHEDULE: Prior to November, 2011

AFFECTED PARTIES: Manufacturers and processors of smoked, cured and salted fish.

CHAPTER 360: Responsibilities of Initiators of Deposit, and Redemption Centers regarding the commingling
of beverage containers.

STATUTORY AUTHORITY: 32 MRSA §1871.

PURPOSE: Implement the requirements of Public Law 499 An Act To Improve the State's Returnable Bottle
Law and Adjust Handling Fees.

ANTICIPATED SCHEDULE: Prior to October, 2011

AFFECTED PARTIES: Initiator's of deposit, and redemption centers.

CHAPTER 565: Nutrient Management Rules

STATUTORY AUTHORITY: 7 MRSA §4206

PURPOSE: To update the Nutrient Management Rules and to amend it to clarify some provisions of the Nutrient Management Program

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Farmers, farm operation owners, nutrient management certified planners, Nutrient Management Review Board, government agencies.

CHAPTER 600: Rules regarding disposal of cull potato piles

STATUTORY AUTHORITY: 7 MRSA §1007-A

PURPOSE: To update the rules regarding disposal of cull potato piles

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Potato farmers, Department of Agriculture, Food and Rural Resources

CHAPTER 601: Rules regarding milk and milk products

STATUTORY AUTHORITY: 7 MRSA §2910 PL 1999

PURPOSE: Our milk rules need minor technical revisions to come into compliance with changes to the 2005 and 2007 Pasteurized Milk Ordinance

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Dairy farmers and milk processors

CHAPTER 701: Rules for Governing Animal Welfare

STATUTORY AUTHORITY: 7 MRSA §3906-B. Section 10

PURPOSE: To insure that only healthy animals, including birds, are offered for sale and that all animals, within the scope of the Commissioner's authority, shall receive proper care, housing facilities, disease control, records of sales and purchases, euthanasia records and licenses will be monitored by Animal Welfare.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Pet Stores, Breeding Kennels; Boarding Kennels; Equine Owners

CHAPTER 702: Rules for the Low Income Spay/Neuter Program

STATUTORY AUTHORITY: 7 MRSA §3910-B

PURPOSE: To implement a low-income spay/neuter program for cats and dogs, to establish eligibility requirements, veterinarian reimbursement and program administration.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Low income pet owners and participating veterinarians

CHAPTER 751: Rules Governing Arborist Licensing, Testing and Enforcement in the State of Maine

STATUTORY AUTHORITY: 7 MRSA §404, §§ 2173-2191

PURPOSE: May need to amend the current requirements adopted in 2006 to clarify certain provisions relating to the licensing of arborists in the State of Maine.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Individuals currently licensed or wishing to become licensed as arborists in the State of Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

NEW RULE CHAPTER (# to be assigned): Rules Governing the Maine Cattle Health Assurance Program

STATUTORY AUTHORITY: 7 MRSA §1309

PURPOSE: Rules governing the Maine Cattle Health Assurance Program

ANTICIPATED SCHEDULE: Prior to July 1, 2011

AFFECTED PARTIES: Livestock industry

NEW RULE CHAPTER (# to be assigned): Non-released Potato Varieties

STATUTORY AUTHORITY: 7 MRSA §2103-A

PURPOSE: May need to establish procedures to ensure that seed potato growers who are certifying non-released potato varieties have been authorized to do so.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Seed potato growers who produce non-released potato varieties and potato breeders.

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated.

NEW RULE CHAPTER (# to be assigned): Designation of Potato Pests and Diseases; Seizure, Destruction, Disinfection

STATUTORY AUTHORITY: 7 MRSA §2351-2352

PURPOSE: May need to designate those potato pests and diseases which pose a threat to the Maine potato industry; provide for the control and eradication of such pests and diseases; and provide for the disinfection of any vehicles to prevent the spread of such pests and diseases.

ANTICIPATED SCHEDULE: Prior to July, 2011

AFFECTED PARTIES: Potato farmers in Maine.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

NEW RULE CHAPTER (# to be assigned) Official Grades, Standards and Inspection Requirements for Green House and Vine Ripened Tomatoes packed in Maine

STATUTORY AUTHORITY: 7 MRSA §441, 442, 443, 445, and 446

PURPOSE: To adopt the rules necessary to develop a voluntary inspection and labeling program for Maine tomatoes packed under the Maine Quality Trademark.

ANTICIPATED SCHEDULE: Prior to October, 2011

AFFECTED PARTIES: Maine producers growing, packing and selling green house and vine ripened tomatoes.

NEW RULE CHAPTER (# to be assigned): Voluntary Municipal Farm Support Program

STATUTORY BASIS: 7 MRSA § 2-C as amended by PL 2007, c. 69 12

PURPOSE: Establish rules that will guide those towns that elect to create a municipal Voluntary Municipal Farm Support Program.

SCHEDULE: Prior to June 30, 2011

AFFECTED PARTIES: Municipalities, farmers and town residents.

CONCENSUS –BASED RULE DEVELOPMENT: Yes

NEW RULE CHAPTER (# to be assigned): Rules to implement the Recommendations of the Commission To Study the Protection of Farms and Farmland

STATUTORY AUTHORITY: 7 MRSA §162; §163; §164

PURPOSE: §162: To establish eligibility criteria and verification and filing processes for “Farming for Maine” for farmers to declare their commitment to commercial agriculture and increase public awareness of Maine agriculture; §163 to establish eligibility criteria for a pilot agricultural district program; and §164 to establish criteria for evaluating potential acquisitions through “The Farmland Preservation Fund”.

ANTICIPATED SCHEDULE: Prior to June, 2011.

AFFECTED PARTIES: Farmers, Soil and Water Conservation Districts and Municipalities.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated.

NEW RULE CHAPTER (# to be assigned) Wood Pellet Manufacturing Requirements--Blue, White and Red State Trademark

STATUTORY AUTHORITY: 7 MRSA §441 and 443

PURPOSE: Develop standards as needed.

ANTICIPATED SCHEDULE: Prior to November, 2011

AFFECTED PARTIES: Maine wood pellet manufacturers wishing to use the Quality Trademark.

UMBRELLA/UNIT NUMBER: 01-015

AGENCY: Maine Milk Commission

CONTACT PERSON: Tim Drake, Executive Director, 28 State House Station, Augusta, Maine 04333-0028
Telephone: (207) 287-7521

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

EXPECTED 2010-2011 RULEMAKING ACTIVITY:

CHAPTER 1: Minimum Retail Pricing of Bulk Containers

STATUTORY AUTHORITY: 7 MRSA Sections 2953-2954

PURPOSE: Set minimum retail price for bulk containers to cover sales for home delivery and grocery stores.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Dealers, retailers, and consumers.

CHAPTER 1: Payment by Dealers and Retailers and Others

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Set dates and minimums when payment for milk received must be made.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Milk dealers, retailers and others.

CHAPTER 1: Integrated Operations

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Set minimum controls for integrated operations.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Producers, dealers and retailers.

CHAPTER 1: Late Payment Penalty

STATUTORY AUTHORITY: 7 MRSA §2953-2954

PURPOSE: Set variable penalty fee on late payments to Commission.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Farmers and dealers.

CHAPTER 1: Base Rating-- Quota Plan

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Set producer production base or quota production.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Farmers.

CHAPTER 1: Container Deposits

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Set deposit price for any container.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Farmers and dealers.

CHAPTER 1: Milk Balancing

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Amend new milk balancing rule based on latest information and practices put into place since adoption of first rule, September, 1991.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Farmers, dealers and consumers.

CHAPTER 1: Interstate Conference and Compacts

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Enter into agreements with other Northeastern states for special conferences and or compacts for regulation of the dairy industry.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Any or all segments of the dairy industry.

CHAPTER 2: Hearing Procedures

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Amend present rules to reflect changing industry standards, new APA requirements, and/or to upgrade and modernize past practices.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Commission, intervenors and industry.

CHAPTER 4: Marketing Areas

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Set new marketing areas based on new information and latest buying or selling practices in State.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Farmers, dealers, consumers and retailers.

CHAPTER 5: Milk Commission Monthly Forms

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Adopt regular reporting forms to meet needs of Commission and Milk Pool.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Farmers, dealers and retailers.

CHAPTER 6: Inspection of Records, Books and Accounts

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Adopt or amend rule to inspect industry records, books, accounts and any matter relating to the dairy industry and the setting of minimum prices.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Farmers, dealers and retailers.

CHAPTER 11 and 25: Hauling and Transportation Costs

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Set minimums/maximums on hauling and transportation cost.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Farmers, dealers, retailers, and consumers.

CHAPTER 13 and 27: Retail Margins

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Set new minimum retail margins according to cost study and hearing testimony.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Retailers and consumers.

CHAPTER 14: 30 Days Notice

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Minimum number of days notice required before a producer can be dropped by a Maine dealer.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Farmers and dealers.

CHAPTER 20: Prevention of Destructive Competition

STATUTORY AUTHORITY: 7 MRSA § 2981 et seq.

PURPOSE: Prohibits predatory pricing.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Farmers, dealers, retailers, and milk consumers.

CHAPTER 26: Producer Cost

STATUTORY AUTHORITY: 7 MRSA §2953-2954

PURPOSE: Set minimum producer price based on Federal order and actual cost of production.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Producers, dealers, retailers and consumers.

CHAPTER 29: Dealer Margins

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Set new minimum dealer margins based on latest cost study and public hearings and testimony.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Dealers and consumers.

CHAPTER 61: Maine Milk Pool Cost of Administration

STATUTORY AUTHORITY: 7 MRSA § 2953-2954

PURPOSE: Set new cost of administration of Maine Milk Pool after public hearings and testimony.

ANTICIPATED SCHEDULE: Prior to October 1, 2011

AFFECTED PARTIES: Processors and producers.

AGENCY UMBRELLA-UNIT: 01-017

AGENCY NAME: Maine Department of Agriculture, Food and Rural Resources/
Maine State Harness Racing Commission

CONTACT PERSON: Henry W. Jackson, Executive Director, 28 State House Station, Augusta, ME 04333-0028; TEL: (207) 287-3221; henry.jackson@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2010-2011 RULEMAKING ACTIVITY:

CHAPTER: 1 through 21

STATUTORY AUTHORITY: 8 MRSA §§263-A; 268; 275-C; 279-A; 279-B; and, 281

PURPOSE: The Maine State Harness Racing Commission will continue to make minor corrections and modifications that are needed to meet the needs of an ever-changing industry.

SCHEDULE FOR ADOPTION: July 1, 2010 – October 31, 2011

AFFECTED PARTIES: Harness horse licensees; track owners and operators; pari mutuel wagering facilities; and, those affiliated with the harness racing industry.

Information on any planned use of consensus-based rule development: NONE

AGENCY UMBRELLA-UNIT: 01-020

AGENCY: Maine Department of Agriculture, Food and Rural Resources, Agricultural Bargaining Board

CONTACT PERSON: Edwin R. Porter, Deputy Commissioner, 28 State House Station, Augusta, ME 04333-0028; Telephone: (207) 287-3419; ned.r.porter@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2010-2011 RULEMAKING ACTIVITY:

Chapter: 1 through 3

STATUTORY AUTHORITY: 13 MRSA §1956 sub-section 6

PURPOSE: Make needed changes in rules to reflect current industry practices.

ANTICIPATED SCHEDULE: Prior to October, 2011

AFFECTED PARTIES: Agricultural cooperative organizations and processors of agricultural products.

AGENCY UMBRELLA-UNIT: 01-026

AGENCY NAME: Maine Department of Agriculture, Food, and Rural Resources -
Board of Pesticides Control

AGENCY CONTACT PERSON: Henry S. Jennings, 28 State House Station, Augusta, Maine 04333-0028.
Telephone (207) 287-2731.

EMERGENCY RULES ADOPTED SINCE THE LAST REGULATORY AGENDA: None

CHAPTER 10: Definitions and Terms

STATUTORY AUTHORITY: 22 MRSA §§1471A-X

PURPOSE: In 1996, the Board consolidated all definitions of rules in this Chapter. This chapter must be updated each time a new definition is added to one of the subsequent chapters. It received a series of housekeeping amendments in January 2005, and will likely be amended again, because the Board recently is working to update Chapters 22 and 28, among others.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: All individuals and businesses affected by the Board's rules.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 20: Special Provisions

STATUTORY AUTHORITY: 22 MRSA §§1471A-X

PURPOSE: The Board recently amended Chapter 20 to clarify that authorization from the property owner is required prior to applying a pesticide. A Board policy requiring positive identification of application sites is also slated for addition to this chapter. In addition, the Board may develop specific duties that an employer must perform to protect their employees from occupational exposure to pesticides. These amendments may be modeled on the 1992 Federal Worker Protection Standard.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: All business that use pesticides and have one or more employees.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 21: Pesticide Container Disposal and Storage

STATUTORY AUTHORITY: 22 MRSA § 1471-Q

PURPOSE: The Board is promoting the collection and recycling of all pesticide containers and may need to make amendments to keep the rule compatible with the recently adopted federal container/containment rule.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: Pesticide applicators and dealers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 22: Standards for Outdoor Application of Pesticides by Powered Equipment in Order to Minimize Off-Target Deposition

STATUTORY AUTHORITY: 7 MRSA §§ 601-625 and 22 MRSA §§1471A-X

PURPOSE: Aerial spraying is a very controversial issue and the Board completed a major overhaul of this chapter in 2009 to provide greater protection for area residents. Experience with the new rule may reveal the need to make minor modifications.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: All applicators making outdoor applications with powered application equipment.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 24: Pesticide Storage Facility Standards/Pesticide Distributors

STATUTORY AUTHORITY: 22 MRSA § 1471-O and 7 MRSA § 610(2)(B)

PURPOSE: The Board has received letters expressing concern that odors and spilled chemicals may represent a health risk for both employees and customers who enter the self-service display areas of general-use pesticide dealers. In addition, discrepancies have been noted between the requirements for agricultural distributors versus the requirements for warehouse-style distributors. The Board may find it necessary to adjust standards for the display and storage of pesticides by affected distributors.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: Pesticide retailers.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 26: Standards for Indoor Application of Pesticides

STATUTORY AUTHORITY: 22 MRSA §§1471A-X and 7 MRSA §§ 601-625

PURPOSE: The Board adopted this chapter during 2006 and it became effective in January of 2007. An amendment was made during 2007 to address concerns raised by structural applicators. Further refining may be necessary as applicators adjust to this rule.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: All structural pest control applicators, owners or managers of businesses, institutions and apartment houses, as well as interested members of the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 27: Standards for Pesticide Applications and Public Notification in Schools

STATUTORY AUTHORITY: 22 MRSA §§1471A-X and 7 MRSA §§ 601-625

PURPOSE: The Board adopted this rule in 2003 and made some housekeeping amendments to it during Spring 2005. The Board has identified additional issues with the rule and revisions may be needed to clarify certain sections of the rule.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: All public and private school systems as well as commercial applicators and all persons using school buildings and grounds.

CONSENSUS-BASED RULE DEVELOPMENT: Not Contemplated

CHAPTER 28: Notification Provisions for Outdoor Pesticide Applications

STATUTORY AUTHORITY: 22 MRSA § 1471-M (2)(D)

PURPOSE: This rule was adopted in 1998 and amended in 2000 and contains all of the Board outdoor notification requirements, except for non-agricultural aerial spraying. The Legislature recently enacted a new statute that requires the Board to develop a comprehensive notification registry and to consolidate its notification rules. In addition, the Board has received a request to expand the posting requirements as they pertain to parks and other outdoor public areas.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: Agricultural aerial applicators. Persons who live near sites sprayed aerially. Persons who believe they are sensitive to pesticides. Regulated parties include all commercial pesticide applicators, the landowners who hire them and anyone who applies pesticides outdoors in the vicinity of persons on the registry.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 29. Standards for Water Quality Protection

STATUTORY AUTHORITY: 22 MRSA § 1471-M(2)(D)

PURPOSE: The Board originally adopted this rule in April 1999 to protect surface water by 1) establishing a setback from water bodies during mixing and loading operations, 2) requiring applicators to secure containers on sprayers and support vehicles and 3) requiring prompt cleanup of any spills within the setback area. During 2007, the Board amended this chapter by adding two new sections to 1) establish requirements for spraying browntail moths adjacent to marine waters and 2) establish a 25-foot buffer to surface water. A recent federal court decision will require applicators to work under a Maine Pollution Discharge Elimination System permit for certain outdoor pesticide applications that have the potential for a portion of the spray to deposit in surface water, so Chapter 29 may need to be amended for that purpose.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: Pesticide manufacturers, outdoor applicators, persons owning land next to surface water bodies and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 31: Certification and Licensing Provisions for Commercial Applicators

STATUTORY AUTHORITY: 2 MRSA §§ 1471-D and S

PURPOSE: The Board amended this chapter during 2007, but may find it necessary to revise this regulation to reduce the staff workload or deregulate certain types of pesticide applications.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 34: Certification and Licensing Provisions for Pesticide Dealers

STATUTORY AUTHORITY: 2 MRSA §§ 1471-D and S

PURPOSE: The Board may amend its current regulation to require pesticide dealers to have a company license in addition to having their employees licensed. In addition, the license fee is outdated.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTERS 32, 35 and 36: Certification and Licensing Provisions for Private Applicators, Firms, and Monitors and Spotters

STATUTORY AUTHORITY: 2 MRSA §§ 1471-D and S

PURPOSE: The Board may amend any of its current regulations dealing with the examination, certification, licensing and relicensing of private applicators, firms, and monitors and spotters to streamline procedures and/or adjust the fees.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: All persons licensed by the Board.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 40: State Restricted Pesticide List

STATUTORY AUTHORITY: 7 MRSA §§ 601-625 and 22 MRSA §§ 1471A-X

PURPOSE: The Board amended this chapter in 2007 and may update its Restricted Use List by deleting products that are no longer registered and, if necessary, modifying the list as a result of the Board's registration review process. Also, this action may add any products which present a unique threat to Maine's public health or the environment.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: Pesticide manufacturers, pesticide applicators and environmental groups interested in pesticide issues.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 41: Special Restrictions

STATUTORY AUTHORITY: 7 MRSA §§ 601-625 and 22 MRSA §§ 1471A-X

PURPOSE: The Board amended this chapter in 2007 to place use restrictions on trichlorfon, to provide for the use of pond dyes and to establish rules for the use of Bt corn products. This is a key chapter for the Board to implement restrictions associated with certain pesticides or classes of pesticides. There have been significant changes to this chapter in the last five years, and additional amendments are likely in the future.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: All applicators and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 50: Reporting Requirements for Applicators and Dealers

STATUTORY AUTHORITY: 22 MRSA §§ 1471-G and M

PURPOSE: The Board adopted several housekeeping amendments to this chapter in January 2005, but current Board work relating to aerial spraying may result in additional record-keeping requirements for aerial applicators and/or the land managers who contract for aerial spraying. In addition, recent requirements relating to use of Bt corn products may necessitate updating the record-keeping requirements.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: All private and commercial applicators, dealers and consumer or environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 51: Notice of Aerial Pesticide Applications.

STATUTORY AUTHORITY: 22 MRSA § 147-R

PURPOSE: A recent statute enacted by the Legislature directs the Board to consolidate all of its notification requirements into a single chapter.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: Aerial applicators, paper company and utility officials, and environmental groups.

CONSENSUS-BASED RULE DEVELOPMENT: Not contemplated

CHAPTER 60. Designation of Critical Pesticide Control Area

STATUTORY AUTHORITY: 22 MRSA § 1471 - M (4)

PURPOSE: Upon receipt of a petition, the Board would be required to consider rulemaking to restrict pesticide usage within a designated area to protect public health, threatened or endangered species or their habitat, surface or ground water, or other environmental resources.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: Persons living within the requested area and all applicators wishing to do business within the designated zone.

CONSENSUS-BASED RULE DEVELOPMENT: The Board engaged in consensus-based rule development the last time a request was received and would likely try it again.

NEW RULE CHAPTER (# to be assigned): Pesticide Use Reduction

STATUTORY AUTHORITY: 22 MRSA §§ 1471A-X and 7 MRSA §§ 601-625

PURPOSE: The Board is continuing to investigate ways to implement the 1997 state policy to minimize reliance on pesticides. The Board may be asked to adopt standards to expand integrated pest management practices.

ANTICIPATED SCHEDULE: Prior to October 2011

AFFECTED PARTIES: All pesticide applicators and dealers, as well as interested members of the general public.

CONSENSUS-BASED RULE DEVELOPMENT: Contemplated

AGENCY UMBRELLA-UNIT: 01-303

AGENCY NAME: Maine Department of Agriculture, Food and Rural Resources/
Pull Events Commission

CONTACT PERSON: Fred Lunt, Clerk, 28 State House Station, Augusta, ME 04333-0028; TEL: (207) 287-7634; fred.lunt@maine.gov

EMERGENCY RULES ADOPTED SINCE LAST REGULATORY AGENDA: None

EXPECTED 2010-2011 RULEMAKING ACTIVITY:

CHAPTER 15: Rules for Superintendents and Assistant Superintendents of Pull Events

STATUTORY BASIS: 7 MRSA 75, subparagraph 6

PURPOSE: To update present rules as they are now printed and add additional rules as needed

SCHEDULE FOR ADOPTION: October 2011

AFFECTED PARTIES: All certified Pulling Superintendents, Licensed Pull Events venues, Owner, Teamster of pulling animal taking part in pull event venues in Maine